

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 218

# HOUSE BILL 2142

AN ACT

AMENDING SECTION 41-2122, ARIZONA REVISED STATUTES; RELATING TO MOTOR FUEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2122, Arizona Revised Statutes, is amended to  
3 read:

4 41-2122. Standards for oxygenated fuel; volatility; exceptions;

5 MTBE

6 A. From and after September 30 through March 31 of each year, in a  
7 county with a population of one million two hundred thousand or more persons  
8 and in any portion of a county contained in area A, blends of gasoline with  
9 ethanol shall not exceed the volatility requirements prescribed by section  
10 41-2083 and rules adopted by the director under that section. From and after  
11 September 30, 1999 through March 31, 2000 and from and after September 30  
12 through March 31 of each year thereafter, in area B, blends of gasoline with  
13 ethanol may exceed the volatility requirements prescribed by section 41-2083  
14 and rules adopted by the director under that section by up to one pound per  
15 square inch if the base fuel meets the requirements of ASTM D4814 and the  
16 final gasoline-ethanol blend contains at least six per cent ethanol by volume  
17 but does not exceed United States environmental protection agency waivers.  
18 For any other locations and period of time, blends of gasoline with ethanol  
19 shall meet the volatility requirements as determined by department rule.

20 B. Notwithstanding subsection D of this section, the director of the  
21 department of weights and measures in consultation with the director of the  
22 department of environmental quality shall approve alternate fuel control  
23 measures that are submitted by manufacturers or suppliers of gasoline and  
24 that the directors determine will result in motor vehicle carbon monoxide  
25 emission reductions that will equal or exceed the reductions that result  
26 under subsection D of this section. In making those determinations, the  
27 directors shall compare the alternative measure against the emission  
28 reduction that would be obtained from a fuel with the maximum vapor pressure  
29 standard prescribed by subsection D of this section and the minimum oxygen  
30 standard prescribed by section 41-2123 or 41-2125. Alternative fuel control  
31 measures approved by the director of the department of weights and measures  
32 in consultation with the director of the department of environmental quality  
33 may be used by any manufacturer or supplier of gasoline unless the approval  
34 is rescinded by the director of the department of weights and measures at  
35 least one hundred eighty days before the beginning of any oxygenate period  
36 in the future. Manufacturers and suppliers who choose to use an approved  
37 alternate fuel control measure shall annually submit a compliance plan to the  
38 director of the department of weights and measures not later than sixty days  
39 prior to the start of the oxygenate period.

40 C. From and after September 30 through March 31 of each year, all  
41 blends of gasoline with alcohol other than ethanol shall satisfy all of the  
42 requirements prescribed by section 41-2083 and rules adopted by the director  
43 under that section and the provisions of a waiver issued by the United States  
44 environmental protection agency pursuant to 42 United States Code section  
45 7545(f).

1 D. Notwithstanding subsection A of this section, if the director of  
2 the department of environmental quality has previously raised the minimum  
3 oxygen content to the maximum percentage of oxygen allowed for each oxygenate  
4 as provided by section 41-2125, the designated air quality planning agency  
5 for area B has considered, analyzed and reviewed the costs and benefits of  
6 all other reasonable and available control measures in lieu of reducing  
7 volatility requirements to nine pounds per square inch and the director of  
8 the department of environmental quality finds that area B has failed to  
9 maintain the carbon monoxide national ambient air quality standards by  
10 violating the standard, beginning with the oxygenate period beginning on the  
11 following September 30 and for each oxygenate period thereafter in area B,  
12 the volatility requirements described by section 41-2083, subsection G may  
13 be reduced to nine pounds per square inch. If a violation of the carbon  
14 monoxide national ambient air quality standards is recorded after the  
15 volatility requirements have been reduced to nine pounds per square inch, the  
16 director of the department of environmental quality shall remove the one  
17 pound per square inch waiver for gasoline-ethanol blends.

18 E. BEGINNING ON JANUARY 1, 2005, GASOLINE THAT IS SUPPLIED OR SOLD BY  
19 ANY PERSON AND THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR  
20 VEHICLES WITHIN THIS STATE SHALL NOT CONTAIN METHYL TERTIARY BUTYL ETHER THAT  
21 EXCEEDS 0.3 PER CENT BY VOLUME.

APPROVED BY THE GOVERNOR MAY 11, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2004.

Passed the House February 18, 2004

Passed the Senate April 22, 2004

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Ken Blumenthal  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Billington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2142

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 5, 2004,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Jake Flake  
Speaker of the House

Norman L. Joyce  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of May, 2004

at 11:45 o'clock a M.

Jennifer Uparra  
Secretary to the Governor

Approved this 11 day of

May, 2004,

at 10<sup>20</sup> o'clock A. M.

Jon R. Ryznar  
Governor of Arizona

H.B. 2142

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of May, 2004,

at 11:25 o'clock A M.

Janice K. Brown  
Secretary of State